

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

16 DEC -8 PM 1:20

GENEVIE ILENE MALEY AND  
HOLLY DROWLEY,  
PLAINTIFFS,

V.

MINNESOTA LIFE INSURANCE  
COMPANY,  
DEFENDANT.

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CAUSE NO. 1:15-CV-00394-LY

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY AD  
DEPUTY CLERK

**ORDER ON REPORT AND RECOMMENDATION**  
**OF THE UNITED STATES MAGISTRATE JUDGE**

Before the court in the above-styled and numbered cause of action are Defendant's Motion for Attorney's Fees (Clerk's Doc. No. 29) and Plaintiffs' Objection to Defendant's Motion for Attorney's Fees (Clerk's Doc. No. 32). The motion was referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636(b), Federal Rule of Civil Procedure 72, and Rule 1 of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, as amended. The magistrate judge filed a Report and Recommendation on November 10, 2016 (Clerk's Doc. No. 35), recommending the court deny the motion.

Under Title 28 of the United States Code, Section 636(b) and Rule 72(b) of the Federal Rules of Civil Procedure, a party may serve and file specific, written objections to the proposed findings and recommendations of the magistrate judge within 14 days after being served with a copy of the report and recommendation, and thereby secure a *de novo* review by the district court. A party's failure to timely file written objections to the proposed findings, conclusions, and recommendation in a report and recommendation bars that party, except upon grounds of plain error, from attacking on appeal the unobjected-to proposed factual findings and legal

conclusions accepted by the district court. *See Douglass v. United Services Auto Ass'n*, 79 F.3d 1415 (5th Cir. 1996) (*en banc*).

The parties were properly notified of the consequences of a failure to file objections. The record reflects that the parties received the amended report and recommendation by November 10, 2016, making objections due by November 24, 2016. To date, no party has filed objections to the findings of fact and conclusions of law in the report. The court, having reviewed the entire record and finding no plain error, accepts and adopts the report and recommendation filed in this cause for substantially the reasons stated therein.

**IT IS THEREFORE ORDERED** that the Report and Recommendation of the United States Magistrate Judge (Clerk's Doc. No. 35) is hereby **ACCEPTED** and **ADOPTED** by the court.

**IT IS FURTHER ORDERED** that Defendant's Motion for Attorney's Fees (Clerk's Doc. No. 29) is **DENIED**.

SIGNED this 8th day of December, 2016.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE